

**To:** Vranka, Joe[vranka.joe@epa.gov]; Greene, Nikia[Greene.Nikia@epa.gov]  
**Cc:** Elsen, Henry[Elsen.Henry@epa.gov]  
**From:** Moler, Robert  
**Sent:** Wed 12/20/2017 11:58:37 PM  
**Subject:** FW: Follow Up Question  
WestSideSoilsOU BPSOU ROD 20060921 OU Figure.pdf  
WestSideSoilsOU BPSOU ROD 20060921 OU Figure5 3.pdf

Fyi – response to Dr. Ray.

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Robert Moler

Community Involvement Coordinator

EPA – Montana

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**From:** Moler, Robert  
**Sent:** Wednesday, December 20, 2017 4:27 PM  
**To:** 'John Ray' <[Ex. 6 - Personal Privacy]>  
**Subject:** RE: Follow Up Question

Hi Dr. Ray,

Good to meet with you again yesterday over lunch. I don't know about yours, but my sandwich was delicious. I am getting the "Sam Turkey" from now on.

Here is a quick follow up to your questions. I hope this is helpful. Like we talked about yesterday, I'll arrange a follow up meeting with Nikia and Daryl again to discuss these further.

Don't forget that you were going to provide me with a contact with the Indian Peoples Action group in Butte. I'd like to reach out to them soon.

Also, just so you know, I will be out of the office for the rest of the week to take a few vacation days to stretch out the holiday. I will be in next week for a few days before the New Year Holiday weekend. So let me take this time to wish you a warm, festive Christmas! Thanks Dr. Ray!

Here is the Q&A:

**1.As I recall, you will check on where the Health Study sits at present. As I said, I am particularly interested in the communications subcommittee. I am of course also interested in having environmental justice considerations be an integral part of the study.**

I learned yesterday after our meeting that the Health Study group (not the communications subcommittee) met last week. From what I gathered, a final roster for the communications subcommittee has not yet been selected. The group is aware of your interest in participating and your environmental justice considerations. I am not sure what is the timeline moving forward.

**2.You will check and clarify exactly what is the agency position on including the Flats in the Westside Priority Soils Operable Unit. In today's Montana Standard I have a guest editorial on Westside Soils that you might want to read.**

West Side Soils Operable Unit is located generally north and west of the Butte Hill. I've included two attachments from the BPSOU ROD with general OU descriptions and figures that show the general area of West Side Soils Operable Unit. Like we touched on yesterday and indicated in the attached figures, the specific boundary for Westside Soils has not been determined. Superfund site boundaries are based on the presence of contamination. The nature and extent of contamination will be characterized by the remedial investigation (RI), scheduled for next year. The general area of Westside Soils showed elevated concentrations of lead based on soils data collected from 1987 to 2017. That data will be used to help scope the RI and develop the RI workplan that will identify what areas will be further sampled.

The residential soils data showed that nearly all of the samples in the area of the Butte "flats" were below BPSOU residential cleanup levels for lead and arsenic. Because of this, and that there are no significant historic mining and mineral processing waste sources identified in the "flats," it was not included as part of the BPSOU. EPA recently reviewed the soil sampling data in the "flats" area (east of Lexington) and is continuing to review attic dust data and address data gaps in the area. If any information comes to light that indicates that there is contamination that is potentially hazardous to human health in the area, EPA will take action to address it. EPA is considering additional expansion of the RMAP in the "flats" and that program can address residential human health risks if they are identified outside of the BPSOU.

**3. Am I correct in my understanding that a consent decree cannot in and of itself change a ROD. My understanding is that a consent decree is concerned with formalizing and reaching agreement on how to implement the ROD decision, i.e. citizens should not look for the consent decree to change the ROD. Am I correct in these assumptions?**

Yes, a Consent Decree is an agreement of how to implement the ROD. If changes are proposed to the BPSOU ROD, there would be opportunity for public input before a CD is signed.

**4. As I mentioned yesterday, several years back Henry gave a presentation in Butte on the advantages of reaching a consent decree as compared to a UAO. I can't find my notes on what he said. Could you perhaps ask him to summarize the advantages of a consent decree Vis a Vis a UAO.**

Henry has been out of the office on leave for the past several days and I expect that he will not return until after the holidays. I will share your request with him when he returns to get that feedback.

**5. I will start contacting clubs in Butte for speaking engagements. I assume that you don't have to get approval in order to speak to say--the Kiwanis Club. .**

Correct, I am open to engaging service clubs and groups. On that note, I talked with Kriss Douglass at the CTEC meeting last night about the possibility of talking with the Big Butte Kiwanis. She seemed agreeable and mentioned that a Wednesday in March may be good. We can follow up on that and hopefully you can get some additional leads as you reach out to other groups.

**6. Let us plan to do another brochure distribution right after Jan. 1. Please let me know your schedule.**

I am available in the afternoon on the Tuesday, Jan 2 or any time between 10 am and 3 pm on Thursday Jan 4. After that I plan to take 2 weeks leave until Jan 22 (family matters).

**7. Is it still the EPA's position that the portion of the BPSOU ROD remedy that pertains to the Parrott Tailings, Digging East and other associated tailings is basically working as intended,.i.e. is the remedy still considered protective of human health and the environment. Or, has new data come to light that would call into question the protectiveness of the remedy which might warrant a change in the remedy?**

Looking at the last Five Year Review, the protectiveness statement says that the remedy at BPSOU is expected to be protective of human health and the environment upon completion. In the interim, exposure pathways that could result in unacceptable risks are being controlled.

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**From:** John Ray [Ex. 6 - Personal Privacy]  
**Sent:** Wednesday, December 20, 2017 1:29 PM  
**To:** Moler, Robert <Moler.Robert@epa.gov>  
**Cc:** John Ray <[Ex. 6 - Personal Privacy]>  
**Subject:** Follow Up Question

In addition to the questions I sent you this morning, I forgot to include this one:

Is it still the EPA's position that the portion of the BPSOU ROD remedy that pertains to the Parrott Tailings, Digging East and other associated tailings is basically working as intended, i.e. is the remedy still considered protective of human health and the environment.

Or, has new data come to light that would call into question the protectiveness of the remedy which might warrant a change in the remedy?

Please add this to the list of questions I sent you this morning.

Thanks,

John Ray